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**SENATE BILL 906**

**47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005**

**INTRODUCED BY**

**John T. L. Grubesi c**

**AN ACT**

**RELATING TO FOOD; ENACTING THE GENETICALLY ENGINEERED FOOD LABELING ACT; REQUIRING LABELS ON FOOD INDICATING WHEN THE FOOD HAS BEEN GENETICALLY ENGINEERED; PROVIDING FOR RULES AND INSPECTIONS BY THE DEPARTMENT OF ENVIRONMENT; CREATING A PENALTY FOR VIOLATION OF THE GENETICALLY ENGINEERED FOOD LABELING ACT.**

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:**

**Section 1. SHORT TITLE.--This act may be cited as the "Genetically Engineered Food Labeling Act".**

**Section 2. PURPOSE.--The purpose of the Genetically Engineered Food Labeling Act is to create and enforce the fundamental right of people in the state to know if they are buying or eating genetically engineered food and to have the choice in buying or eating food that has been altered through**

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~~[bracketed material] = del etc~~

1 genetic engineering.

2 Section 3. DEFINITIONS. -- As used in the Genetically  
3 Engineered Food Labeling Act:

4 A. "agricultural product" means an agricultural,  
5 horticultural, viticultural or vegetable product grown or  
6 produced;

7 B. "department" means the department of  
8 environment;

9 C. "food" means articles used for food or drink for  
10 man or other animals, articles used for components, including a  
11 food additive, of those articles and chewing gum;

12 D. "food additive" means a substance, the intended  
13 use of which results or may be reasonably expected to result,  
14 directly or indirectly, in its becoming a component or  
15 otherwise affecting the characteristics of food, including a  
16 substance intended for use in producing, manufacturing,  
17 packing, processing, preparing, treating, packaging,  
18 transporting or holding food and including a source of  
19 radiation intended for that use;

20 E. "genetically engineered" means grown,  
21 manufactured, processed or otherwise produced or altered with  
22 techniques that change the molecular or cell biology of an  
23 organism by means or in a manner not possible under natural  
24 conditions or processes, including recombinant DNA techniques,  
25 cell fusion, micro- and macroencapsulation, gene deletion and

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1 doubling, introducing a foreign gene and changing the positions  
2 of genes, but does not mean breeding, conjugation,  
3 fermentation, hybridization, in vitro fertilization and tissue  
4 culture processes;

5 F. "label" means a display of written, printed or  
6 graphic matter that is placed upon or connected to the  
7 immediate container or surface of any article and that also  
8 appears on the outside container or wrapper, if any, of the  
9 bulk, wholesale or retail package of that article or is easily  
10 legible through the outside container or wrapper of that article;

11 G. "labeling" means all labels and other written,  
12 printed or graphic matter upon an article or any of its  
13 containers or wrappers or accompanying that article;

14 H. "person" means an individual, corporation,  
15 business trust, estate, trust, partnership, limited liability  
16 company, association, joint venture or any legal or commercial  
17 entity; and

18 I. "principle display panel" means that part of a  
19 label that is most likely to be displayed, presented, shown or  
20 examined under normal and customary conditions of display for  
21 bulk, wholesale or retail sale.

22 Section 4. LABELING. -- Food in the following categories  
23 that is sold or distributed in or from this state shall bear a  
24 label, created by the department, that is plainly visible on  
25 the principal display panel and contains the conspicuous words

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1 "genetically engineered":

2 A. food derived in whole or in part from  
3 genetically engineered microorganisms, plants or livestock, if  
4 that genetically engineered material accounts for more than  
5 one-tenth percent of the weight of any portion of that food;

6 B. food prepared or processed using genetically  
7 engineered enzymes or other genetically engineered processing  
8 agents, whether or not those enzymes or agents are present in  
9 the final food product;

10 C. food derived from agricultural products  
11 cultivated using genetically engineered agricultural agents,  
12 whether or not those agents are present in the final food  
13 product;

14 D. dairy and meat products derived from livestock  
15 that have been fed genetically engineered feed or food  
16 additives or ingredients or derived from livestock that have  
17 been treated with genetically engineered hormones or drugs;

18 E. genetically engineered food that is  
19 significantly altered in composition or nutritional value, or  
20 that requires preparation steps different from its natural  
21 counterparts that shall, in addition to being labeled  
22 "genetically engineered", be labeled to specify those changes  
23 in properties;

24 F. genetically engineered food resulting from  
25 trans-species gene transfers that shall, in addition to being

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1 labeled "genetically engineered", be labeled to specify the  
2 source of the trans-species gene used and the purpose of the  
3 transfer, for example, "This squash contains viral genetic  
4 information designed to make it resistant to viral infection.";  
5 and

6 G. genetically engineered food resulting from  
7 transfer of animal genes into plants that shall be labeled to  
8 indicate this fact in a manner that will allow vegetarians and  
9 those with dietary restrictions to observe their dietary  
10 guidelines, for example, "This tomato contains genetic material  
11 derived from the flounder, a fish of the family Bothiidae."

12 Section 5. ENFORCEMENT.--The department shall promulgate  
13 rules and conduct inspections to administer and enforce the  
14 Genetically Engineered Food Labeling Act.

15 Section 6. VIOLATION AND PENALTY.--

16 A. The knowing and willful failure of a person  
17 selling or distributing food in or from this state to label the  
18 food in accordance with the provisions of the Genetically  
19 Engineered Food Labeling Act shall be considered a violation of  
20 that act.

21 B. A person who violates the Genetically Engineered  
22 Food Labeling Act is guilty of a misdemeanor and shall be  
23 sentenced in accordance with the provisions of Section 31-19-1  
24 NMSA 1978.

25 Section 7. EFFECTIVE DATE.--The effective date of the

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1 provisions of this act is January 1, 2006.

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